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April 10, 2002

The Honorable Richard A. Meserve
Chairman
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

I am writing to request information regarding personnel security requirements and practices used during refueling of nuclear reactors. I am concerned that in the rush to complete the refueling process, the nuclear industry may be failing to adequately assess the backgrounds of the temporary employees involved in these activities.

As you know, I recently raised concerns about the adequacy of NRC's security background check requirements for reactor employees, including those who are foreign nationals. As you indicated in your March 4, 2002 correspondence to me, the NRC only requires criminal background searches (as opposed to searches designed to uncover potential links to terrorist groups) to be performed, "the [criminal background] search is limited to the United States" and that "Licensees determine access to the facility regarding foreign applicants on a "best effort" basis."

According to the Nuclear Energy Institute's website, the average time reactors are shutdown for refueling has gone down from an average of 100 days in 1990 to an average of 44.5 days in 1999. Clearly, the shorter the time the reactor is shut down, the more money the reactor licensee will make. I have recently been made aware that even NRC's inadequate background check requirements are not being followed at all nuclear reactors during the refueling process, perhaps because following them would extend the time the reactors must stay shut down.

I have been informed by a senior security officer at the Salem nuclear stations (located in southern New Jersey and operated by Public Service Electric & Gas Co.) that employees whose background checks have not yet been completed are being allowed access to the vital areas of the reactor during the refueling process. These employees, whose security badges are labeled "Category 6," which indicates that their background checks have not yet been completed, are reportedly being granted temporary security upgrades so that they may access the vital areas of the reactor and thus allow the refueling process to be completed faster. These employees are reportedly not being escorted by security personnel within the reactor.

I am concerned about this possible breach in security practices. I am also concerned that since most of the nation's nuclear reactors are refueled in the spring and summer, that this could be happening at nuclear reactors all across the country right now. Consequently, I ask for your prompt assistance in answering the following questions:

- 1) Is it the policy of the NRC that employees can receive security upgrades so that they can have access to vital areas of the reactor, even if their background checks are not yet complete? If so, please fully justify this policy, particularly in light of the events of September 11 and the discovery that Al Qaeda members view nuclear reactors as attractive terrorist targets.
- 2) If it is not your policy to allow employees access to vital areas of nuclear reactors until their background checks have been completed and passed, please indicate what action you plan to take in response to activities reportedly taking place at the Salem units, and to determine whether similar activities are occurring at other sites as well.

Thank you very much for your consideration of this important matter. I ask that you provide your response no later than Friday April 26, 2002. If you have any questions or concerns, please have your staff contact Dr. Michal Freedhoff of my staff at 202-225-2836.

Sincerely,


Edward J. Markey